

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.29601 OF 1997

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Date: 11th July 2006

Between:

B.Chandrakala, wife of B.Gopal Reddy,
Aged 41 years, Occ: employee,
Resident of 1-7-37, Chaitanyapuri,
Ranga Reddy District.

... Petitioner.

And

1. The Deputy Registrar,
Cooperative Societies (Housing)
Hyderabad and another.

... Respondents.

* * *

ORDER:

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This writ petition is filed seeking a writ of Mandamus directing the respondents to waive penal interest charged in the loan account of the petitioner from the date of sanction of the loan and collect due amount if any with normal interest @ 13% per annum.

2. In a similar writ petition filed against the very same respondents in W.P.No.19601 of 1996 this Court passed the following order dated 19.8.1997.

“ The petitioner is seeking release of the documents of pertaining to the Plot No.53, Chendulal Bouli, Sick village, Secunderabad forthwith by declaring the

proceedings of the second respondent in Ref.No.270/95-96/23, dated 9.8.1996 directing the respondents to pay Rs.76,700/- as illegal in terms of G.O.Ms.No.33 Housing, dated 8.7.1982 in view of the fact that the petitioner has already paid Rs.79,052-30 towards loan amount and interest within stipulated time in excess of the amount he has to pay and as such he is entitled for waiver of penal interest. On similar issue, my learned Brother Justice Bhaskar Rao in Writ Petition No.664 of 1981 passed an order dated 17.8.1987 to the effect that recasting and adjusting the payments made towards penal interest etc. is not sustainable since it was hit by the principles of natural justice and allowed the writ petition. It was observed in the said order that the learned counsel for the petitioner brought to the notice of the Court that G.O.Ms.No.33, Housing, dt.8.7.1982 wherein the Government ordered that it would consider waiver of penal interest in all cases in relaxation of rule 15-D of the Middle Income Group Housing Scheme Rules, provided the amount of annuities already paid by the loanees covers the total amount of principal plus normal interest. By virtue of this G.O., also the learned counsel submits that the levy of penal interest is not sustainable.

There is, therefore, no reason as to why the present writ petition before this court also should not be disposed of with the same order.

Hence it is hereby ordered and directed that recasting and adjusting the payments made towards penal interest etc. is not sustainable since it is hit by the principles of natural justice.

The writ petition is accordingly allowed. No costs.

That Rule Nisi has been made absolute as above.”

3. In the light of the same, this writ petition is also disposed of

accordingly. No order as to costs.

C.V.RAMULU, J.

Date: 11th July 2006.
BSB